

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
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2005 JAN 20 P 12:35

U.S. DISTRICT COURT  
DISTRICT OF MASS

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )  
Plaintiff, )

v. )

C.A. No. 04 CV 10203 PBS

ADP MARSHALL, INC., a FLUOR )  
DANIEL COMPANY, and FIREMAN'S )  
FUND INSURANCE COMPANY )  
Defendants. )

ADP MARSHALL, INC. )  
Plaintiff-in-Counterclaim, )

v. )

MASSACHUSETTS DEVELOPMENT )  
FINANCE AGENCY )  
Defendant-in-Counterclaim. )

ADP MARSHALL, INC. )  
Third Party Plaintiff, )

v. )

ALLIED CONSULTING ENGINEERING )  
SERVICES, INC., et al. )  
Third Party Defendants. )

**MOTION TO CONTINUE FACT DISCOVERY DEADLINE**

Now comes ADP Marshall, Inc., Massachusetts Development Finance Agency, Andover Controls Corporation, Delta Keyspan, LLC, St. Paul Travelers Company, United States Fidelity and Guaranty, and Maddison Associates, Inc. and moves this Honorable Court for a continuance of the Fact Discovery Deadline, per the Court's October 5, 2004 Order, from January 30, 2005 to

March 25, 2005. The parties have participated in a mediation session and continue with settlement discussions. As such, fact discovery has not progressed as far along as may have been anticipated by this date.

WHEREFORE, the parties hereto request that the Fact Discovery Deadline be extended until March 25, 2005.

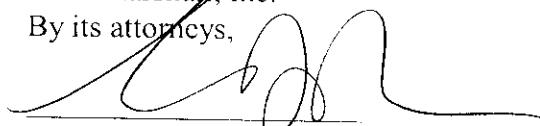
Respectfully submitted,  
Andover Controls Corporation  
By its attorneys,

/s/Eric Howard  
John McNamara (BBO#557882)  
Eric Howard (BBO#637514)  
Domestico, Lane & McNamara  
161 Worcester Road  
Framingham, MA 01701

Respectfully submitted,  
St. Paul Travelers Company  
By its attorneys,

/s/William E. O'Gara  
William E. O'Gara (BBO#555256)  
Holland & Knight, LLP  
One Financial Plaza, Suite 1800  
Providence, RI 02903  
(401) 751-8500

Respectfully submitted,  
ADP Marshall, Inc.  
By its attorneys,

  
Andrew J. Tine (BBO#633639)  
Haese, LLC  
70 Franklin Street, 9<sup>th</sup> Floor  
Boston, MA 02110  
(617) 428-0266

Respectfully submitted,  
Delta Keyspan, LLC  
By its attorneys,

/s/William E. O'Gara  
William E. O'Gara (BBO#555256)  
Holland & Knight, LLP  
One Financial Plaza, Suite 1800  
Providence, RI 02903  
(401) 751-8500

Respectfully submitted,  
Massachusetts Development Finance Agency  
By its attorneys,

/s/Sabatino F. Leo  
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250 Summer Street  
Boston, MA 02118  
(617) 951-2400

Respectfully submitted,  
Maddison Associates, Inc.  
By its attorneys,

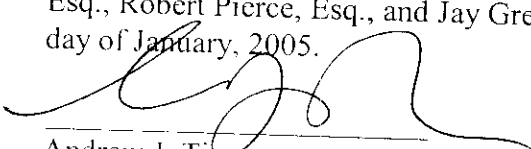
/s/Robert R. Pierce  
Pierce & Mandell, PC  
11 Beacon Street, Suite 800  
Boston, MA 02108  
(617) 720-3693

Respectfully submitted,  
United States Fidelity and Guaranty Company  
By its attorneys,

/s/Eric Loeffler  
Cetrulo and Capone, LLP  
Two Seaport Lane, 10<sup>th</sup> Floor  
Boston, MA 02149  
(617) 217-5373

#### CERTIFICATION OF SERVICE

I, Andrew J. Tine, hereby certify that I served a true and correct copy of the foregoing Motion to Continue Fact Discovery Deadline upon Edward Vena, Esq., John McNamara, Esq., Warren Hutchison, Esq., Eric Loeffler, Esq., John Bruno, Esq., Allen Whitestone, Esq., William O'Gara, Esq., Robert Pierce, Esq., and Jay Gregory, Esq. by first class mail, postage pre-paid, this 18<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
Andrew J. Tine